IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2779 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JASHWANTBHAI DHANJIBHAI PARMAR - Petitioner(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR YN OZA for Petitioner(s) : 1,
Ms. Archana Raval, AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 06/09/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has challenged the legality and validity of the order of suspension dated 3rd March 1993. While

admitting the present Special Civil Application on 11.9.1996, the learned Single Judge of this Court has passed the following order;

> *"Learned Government Pleader Mr. Gharania does not controvert the assertion made by the petitioner that the petitioner had issued a cheque for the amount of compensation to the claimant on 23rd July, 1992 and the same was paid to the wife of the claimant, Bachiben on 23rd July, 1992.*
>
> *RULE. By way of interim order, it is directed that the impugned order of suspension – Annexure-A to the petition shall not be operated and the petitioner be issued suitable posting order within a period of four weeks from today."*

2. Thus, the impugned order of suspension has remained inoperative since 11th September

1996. In view of passage of time, there shall be no justification in permitting to operate the impugned order after nearly 10 years. The petition is, therefore, allowed in terms of the order dated 11.9.1996. Rule is made absolute accordingly. However, there shall be no order as to costs. If the departmental enquiry is not completed, the respondent is directed to complete the same as early as possible and preferably within the period of 6 months from the date of receipt of this order.

[M.R. Shah, J.]

rmr.